

## **REMARKS**

Claims 1-7 were pending in this application. Examiner has rejected claims 1, 3 and 5 as being anticipated by Pelosi under section 35 USC, 102 and rejected claims 2, 4, 6 and 7 as obvious over Pelosi and in view of Cable under section 103. Further examiner has rejected claim 5, but it should be 4, for being indefinite under section 112. Applicant has amended claims 1 and 2, deleted claims 3 and 4 and has added new claims 8 to 12.

Amended claims 1 and 2 better define the scope of the invention. Pelosi does not now anticipate amended Claim 1. Amended Claim 2 is now not obvious over Pelosi and Cable. Specifically, amended claim 1 teaches how the joint between a vertical wall and a horizontally situated edge of a tub type enclosure is sealed against water penetration by using the trim of this invention. New claims 8 to 12 are of similar scope and claim a system that seals such a joint.

Applicant believes these new claims are neither anticipated by the cited prior art nor are obvious over the cited combination of the prior arts. No new matter is, believed to have been, added. Support for these amendments are found throughout the specification. After this amendment, claims 1, 2, and 5 to 12 are pending in this application.

### **CONCLUSION**

In conclusion, Applicant respectfully submits that claims 1, 2, and 5 to 12 are patentable for the reasons set forth above, and that the application is now in a condition for allowance. Accordingly, an early notice of allowance is respectfully requested. The Examiner is requested to call the undersigned at 310-540-4095 for any reason that would advance the instant application to issue.

Dated this the 8<sup>th</sup> day of July 2005

Respectfully submitted,

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